

Order

Michigan Supreme Court
Lansing, Michigan

December 28, 2011

Robert P. Young, Jr.,
Chief Justice

143418

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 143418
COA: 299953
Oakland CC: 1982-052766-FY

RICHARD LEE SPANGLER,
Defendant-Appellant.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the May 23, 2011 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Oakland Circuit Court and DIRECT that court to comply with the Court of Appeals order to determine “whether defendant’s PSIR has been amended to reflect the amendments ordered by the court in its April 6, 1994 order. If the PSIR has not been amended in accordance with that order, the court is ordered to do so. The court must forward the amended PSIR to the department of corrections. MCL 771.14(6), (9).” Correspondence from the department of corrections and the Oakland Circuit Court in response to the May 23, 2011 order of the Court of Appeals clearly indicates that those parties misinterpreted that order. The trial court’s April 6, 1994 order did not address the issue whether the victim was erroneously reported to be a minor. Rather, it referred to other errors that appeared in the PSIR. Thus, the trial court has not yet undertaken the actions called for in the May 23, 2011 order of the Court of Appeals. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court. The motion for order to show cause is DENIED.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 28, 2011

Corbin R. Davis

Clerk